

Mail Stop Interference  
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Paper 1  
Filed 25 August 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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**HARUO SUGANO,**  
**MASAMI MURAMATSU, and TADATSUGU TANIGUCHI**

Junior Party  
(Patent 5,514,567 and 5,326,859),

v.

**DAVID V. GOEDEL,**  
**and ROBERTO CREA**

Senior Party  
(Application 07/374,311).

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Patent Interference No. 105,334  
(Technology Center 1600)

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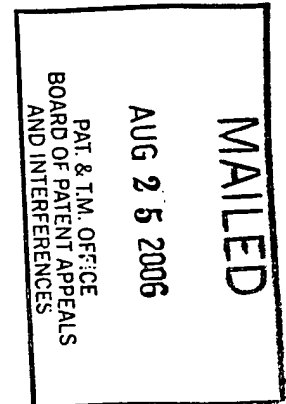
**DECLARATION - Bd.R. 203(b)<sup>1</sup>**

**Part A. Declaration of interference**

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s)

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<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).



and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

**Part B. Judge managing the interference**

Administrative Patent Judge Sally Gardner Lane has been designated to manage the interference. Bd. R. 104(a).

**Part C. Standing order**

A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this interference.

**Part D. Initial conference call**

A telephone conference call to discuss the interference is set for **2:00 p.m. on 18 October 2006** (the Board will initiate the call).

No later than **four business days** prior to the conference call, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

**Part E. Identification and order of the parties**

Junior Party

Named inventors:	Haruo Sugano Tokyo, Japan
	Masami Muramatsu Saitama-ken, Japan
	Tadatsugu Taniguchi Tokyo, Japan
Involved Patent:	5,514,567, issued on 7 May 1996 from application 08/400,179, filed 6 March 1995.
Title:	NOVEL DNA AND RECOMBINANT PLASMID
Involved Patent:	5,326,859, issued on 5 July 1994 from application 06/201,359, filed 27 October 1980
Assignee:	Juridical Foundation, Japanese Foundation for Cancer Research

Senior Party

Named Inventors: David V. Goeddel  
Burlingame, CA

Roberto Crea  
Burlingame, CA

Involved Application: 07/374,311, filed 30 June 1989

Title: MICROBIAL PRODUCTION OF MATURE HUMAN  
FIBROBLAST INTERFERON

Assignee: None available

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

**Part F. Count and claims of the parties**

Count 1

Claim 9 of Sugano, 5,514,567

or

claim 6 of Sugano, 5,326,859

or

claim 35 of Goeddel, 07/374,311

The claims of the parties are:

Sugano, 5,514,567:	1-31
Sugano, 5,326,859:	1-9
Goeddel, 07/374,311:	25-52

The claims of the parties that correspond to Count 1 are:

Sugano, 5,514,567:	9-14,18-20, 24-27, and 29
Sugano, 5,326,859:	1 and 6-9
Goeddel, 07/374,311:	25-52

The claims of the parties that do not correspond to Count 1, and therefore are not involved in the interference, are:

Sugano, 5,514,567:	1-8, 15-17, 21-23, 28, 30, and 31
Sugano, 5,326,859:	2-5
Goeddel, 07/374,311:	none

The parties are accorded the following benefit for Count 1:

Sugano: (as to patent 5,514,567):  
US 06/389,922, filed 18 June 1982  
US 06/201,359, filed 27 October 1980, issued as involved  
patent 5,326,859 on 5 July 1994

Goeddel: US 06/879,712, filed 27 June 1986  
US 06/291,892, filed 11 August 1981  
US 06/190,799, filed 25 September 1980

**Part G. Heading to be used on papers**

The following heading must be used on all papers filed in this interference, see SO ¶ 106.1.1:

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**Part H. Order form for requesting file copies**

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

/Sally Gardner Lane/  
Administrative Patent Judge

Enc:

Copy of STANDING ORDER  
Form PTO-850  
Copy U.S. Patents 5,514,567 and 5,326,859  
Copy of claims of 07/374,311

Revised 3 January 2006

cc (via overnight delivery):

Attorney for Sugano:

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